

EXHIBIT 3

From: Lazaroff, Kelly A <Kelly.Lazaroff@skadden.com>
To: John Mannix
Cc: Alexandria Lucas; Fredericks, Ian S <Ian.Fredericks@skadden.com>
Sent: Thu May 21 12:37:41 2009
Subject: RE: 340 W. Army Trail Road

John,

While we are pleased to have received Merchant Equity's bid for the Bloomingdale property, there are two (related) problems.

We are up against an outside date of June 8 to assume or reject the leases. Based on the extremely compressed time frame, the Settlement and Contingencies provisions would have to come out.

Please advise if you are willing to proceed with these provisions taken out.

Thanks,
Kelly

Kelly A. Lazaroff
Associate, Corporate Restructuring
Skadden, Arps, Slate, Meagher & Flom LLP
333 West Wacker Drive | Chicago | Illinois | 60606-1285
T: 312.407.0617 | F: 312.827.9475
kelly.lazaroff@skadden.com

From: Alexandria Lucas [<mailto:alucas@merchantequity.net>]
Sent: Thursday, May 21, 2009 11:32 AM
To: jvallone@djmrealty.com
Cc: Lazaroff, Kelly A (CHI); John Mannix
Subject: 340 W. Army Trail Road

To ensure compliance with Treasury Department regulations, we advise you that, unless otherwise expressly indicated, any federal tax advice contained in this message was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

This email and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you receive this email in error please immediately notify me at (212) 735-3000 and permanently delete the original copy and any copy of any email, and any printout thereof.

Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

From: John Mannix [<mailto:jmannix@merchantequity.net>]
Sent: Friday, May 22, 2009 6:57 AM
To: Lazaroff, Kelly A (CHI)
Subject: Re: 340 W. Army Trail Road

Yes we will remove contingencies as described but will need immediate delivery of some documents to review, a full detailing of which we will deliver later today. Thanks

From: Lazaroff, Kelly A <Kelly.Lazaroff@skadden.com>
To: John Mannix
Cc: Alexandria Lucas; Fredericks, Ian S <Ian.Fredericks@skadden.com>
Sent: Thu May 21 12:37:41 2009
Subject: RE: 340 W. Army Trail Road

John,

While we are pleased to have received Merchant Equity's bid for the Bloomingdale property, there are two (related) problems.

We are up against an outside date of June 8 to assume or reject the leases. Based on the extremely compressed time frame, the Settlement and Contingencies provisions would have to come out.

Please advise if you are willing to proceed with these provisions taken out.

Thanks,
Kelly

Kelly A. Lazaroff

Associate, Corporate Restructuring

Skadden, Arps, Slate, Meagher & Flom LLP

333 West Wacker Drive | Chicago | Illinois | 60606-1285

T: 312.407.0617 | F: 312.827.9475

kelly.lazaroff@skadden.com

From: Alexandria Lucas [<mailto:alucas@merchantequity.net>]
Sent: Thursday, May 21, 2009 11:32 AM
To: jvallone@djmrealty.com
Cc: Lazaroff, Kelly A (CHI); John Mannix
Subject: 340 W. Army Trail Road
